IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS   CRIMINAL NO. 1:05cr32WJG-RHW-1

KEVIN DURANT DANIELS

O R D E R

THIS CAUSE comes before the Court on the motion [17] of Defendant Kevin Durant

Daniels for jail time credit. Daniels is currently incarcerated at the Federal Correctional

Institution located in Pollock, Louisiana. (Ct. R., Doc. 17, p. 3.) Daniels seeks credit for time

spent in state custody from his initial arrest on May 5, 2005, until May 2, 2006, when he entered

a guilty plea to the charges against him. (Ct. R., Doc. 17, p. 1.) He contends that the time spent

in federal custody prior to his sentencing should be credited toward his sentence. (*Id*., p. 2.) He

does not include any documentation with this motion that would establish that he has sought

remedy with the Bureau of Prisons [BOP] regarding this matter.

The Attorney General, through the Bureau of Prisons, determines what credit, if any, will

be awarded to prisoners for time spent in custody prior to the commencement of their sentences.

See United States v. Wilson, 503 U.S. 329, 337 (1992). Only after exhausting his administrative

remedies may he pursue judicial review of sentence credit computations. *Rourke v. Thompson,*

11 F.3d 47, 49 (5th Cir. 1993).

Before a Court can consider such a petition, the prisoner must first exhaust his

administrative remedies, then he may file a petition for relief pursuant to 28 U.S.C. § 2241 in the

federal district court where he is incarcerated. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir.

2000); *Blau v. United States,* 566 F.2d 526, 527 (5th Cir. 1978). The Court, therefore, finds that

it does not have jurisdiction to afford Daniels the relief he seeks and, as such, further finds that

the petition should be dismissed. It is, therefore,

ORDERED that Defendant's motion [17] be, and is hereby, dismissed for lack of

jurisdiction.

SO ORDERED, this the 13th day of October, 2010.

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Walter J. Gex III
UNITED STATES SENIOR DISTRICT JUDGE